

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 DEC 26 AM 11:30

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hipolito MENDOZA-Nava,

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2969

COMPLAINT FOR VIOLATION OF: DEPUTY


PR

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 21, 2007** within the Southern District of California, defendant, **Hipolito MENDOZA-Nava**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **DECEMBER, 2007.**



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Hipolito MENDOZA-Nava


PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On December 21, 2007, Senior Border Patrol Agent C. Hemenway, was conducting line watch operations in the vicinity of Tecate, California. At approximately 9:00 a.m., Agent Hemenway responded to the activation of a seismic intrusion device near an area known as "Zueller's". This area is approximately 7 miles east and 1/2 mile north of the Tecate, California Port of Entry. Shortly after arriving in the vicinity of the device, Agent Hemenway found seven individuals attempting to hide in the brush. Agent Hemenway identified himself as a United States Border Patrol Agent and questioned the subjects as to their citizenship. All seven subjects, including one later identified as the defendant Hipolito MENDOZA-Nava, freely admitted that they were citizens and nationals of Mexico. All seven subjects also stated that they were not in possession of any immigration documents allowing them to enter or remain in the United States legally. Agent Hemenway then placed the subjects, including the defendant, under arrest and had them transported to the Tecate Processing Center in Tecate, California.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 6, 2002 through Otay Mesa, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 22, 2007 at 9:30am.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 21, 2007, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

12/22/07 - 4:01 PM

Date/Time